

11/09/92

OHIO TURNPIKE COMMISSION

Resolution Amending Resolution No. 12-1992 and
Declaring the Necessity of Appropriating Property

WHEREAS, by Resolution No. 12-1992, certain property owned by Consolidated Rail Corporation ("Conrail") was declared necessary for the construction of a toll interchange with Ellsworth-Bailey and Hallock-Young Roads and the Ohio Turnpike in the vicinity of Milepost 215.4 in Trumbull County, Ohio, said interchange commonly referred to as the "Lordstown" interchange;

WHEREAS, the legal description for Parcel 14A-2-WL, as set forth in Resolution No. 12-1992, contained an error in the description and the corrected description of Parcel 14A-2-WL is attached as Exhibit "A". In addition, it is necessary to extend the limited-access line north on Ellsworth-Bailey Road in order to comply with the requirements of the Ohio Department of Transportation and the additional real estate for such limited-access line is designated Parcel 14A-2-LA and is included within Exhibit "A";

WHEREAS, the Commission has negotiated with Conrail for an extended period of time and has reached an agreement with Conrail for the consideration to be paid and has endeavored to negotiate an agreement for said sale which is mutually satisfactory to both the Commission and Conrail, however, the Commission has not been successful in reaching said agreement;

NOW, THEREFORE, BE IT

RESOLVED that on the basis of the lengthy negotiations concerning the formal contract which have gone on between the Commission and Conrail, the Commission has complied with the provisions of section 163.04 of the Revised Code; and the property which is described in Exhibit "A" hereto is necessary for the construction of a toll interchange with Ellsworth-Bailey and Hallock-Young Roads and the Ohio Turnpike in the vicinity of Milepost 215.4 in Trumbull County, Ohio;

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the fee title and necessary easements on the following described property from the owners and persons having an interest therein, to-wit:

| <u>Owners</u> | <u>Place of Business</u> |
|--|--|
| Consolidated Rail Corporation c/o Mark W. Warwick Property Manager | 100 Fleet Street Pittsburgh, Pennsylvania 15220 |
| Edward Bush Auditor, Trumbull County | 160 High Street Administration Building Warren, OH 44481 |
| David Hines Treasurer, Trumbull County | 160 High Street Administration Building Warren, OH 44481 |

The aforementioned property to be appropriated is described as follows:

Parcel No. 14A-2-WL - Fee Simple
Parcel No. 14A-2-LA - Fee Simple

Legal descriptions are attached as Exhibit "A";

Together with all rights or easements of access to or from the Ohio Turnpike (limited access highway) from or to the land of said person or persons abutting upon that portion of the Ohio Turnpike (limited access highway) as shown by the plans for the construction of the toll interchange with Ellsworth-Bailey and Hallock-Young Roads in Trumbull County, Ohio;

FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be commenced, and Resolution No. 12-1992 is hereby ratified and amended in accordance with this resolution.

(Resolution No. 37-1992 adopted November 9, 1992)

Parcel No. 14A-2-WL

Situated in the Village of Lordstown, County of Trumbull, and State of Ohio, and being part of the lands of the Grantor located in Lot 62, and Lot 73, who claim title by instrument of Record of Deed Book 1073 at Page 159 of the Deed Records of Trumbull County, and being more fully described as follows:

Commencing at the intersection of the centerline of the Ohio Turnpike with the centerline of Ellsworth Bailey Road; thence North $00^{\circ} 47' 06''$ West along the centerline of Ellsworth Bailey Road for a distance of 152.56 feet to a point in the existing limited access right of way line of the Ohio Turnpike; thence, along said existing limited access right of way line, North $52^{\circ} 38' 15''$ West for a distance of 165.53 feet to the true place of beginning for the tract of land described herein; thence, North $52^{\circ} 38' 15''$ West along the existing limited access right of way line for a distance of 34.18 feet to a point; thence continuing along the existing limited access right of way line by the arc of a curve to the right having a radius of 17,068.73 feet, a chord bearing of North $46^{\circ} 35' 25''$ West, and a chord distance of 3596.37 feet, for an arc distance of 3603.05 feet to a point; thence, continuing along the existing limited access right of way line, North $40^{\circ} 32' 34''$ West for a distance of 224.73 feet to a point in the line between Lot 61 and Lot 62; thence North $01^{\circ} 56' 26''$ West along the Lot line for a distance of 24.04 feet to a point; thence South $40^{\circ} 51' 51''$ East along the proposed limited access right of way line for a distance of 242.17 feet to a point; thence South $43^{\circ} 14' 38''$ East, and continuing along the proposed limited access right of way line for a distance of 665.00 feet to a point; thence South $46^{\circ} 17' 13''$ East along said proposed limited access right of way for a distance of 665.00 feet to a point; thence South $67^{\circ} 43' 26''$ East along the proposed limited access right of way line for a distance of 1225.85 feet to a point; thence South $22^{\circ} 16' 34''$ West and continuing along said proposed limited access right of way line for a distance of 38.00 feet to a point; thence South $67^{\circ} 43' 26''$ East along said proposed limited access right of way line for a distance of 150.00 feet to a point; thence North $22^{\circ} 16' 34''$ East along the proposed limited access right of way line for a distance of 38.00 feet to a point; thence, continuing along said proposed limited access right of way line, South $67^{\circ} 43' 26''$ East for a distance of 263.09 feet to a point; thence North $89^{\circ} 13' 36''$ East along the proposed limited access right of way line for a distance of 148.30 feet to a point on the existing right of way line of Ellsworth Bailey Road; thence South $03^{\circ} 58' 43''$ West along the existing right of way line of Ellsworth Bailey Road for a distance of 163.70 feet to a point; thence South $00^{\circ} 47' 06''$ East and continuing along the existing right of way line of Ellsworth Bailey Road for a distance of 765.92 feet to the true place of beginning, and containing 19.362 acres of land, more or less, and being 0.903 ac. in Lot 62, and 18.459 ac. in Lot 73.

The above description was prepared by Richard John Swan, Registered Professional Surveyor, No. 6574, in November, 1991, and is based on a survey made by ms consultants, inc. in November, 1991.

Parcel No. 14A-2-LA

Beginning at a point 100 feet left of centerline Station 39 plus 57.38, West Collector Rd., and 116.91 feet left of centerline Station 57 plus 63.22, Ellsworth Bailey Rd., said point being on the westerly right of way line of Ellsworth Bailey Rd. and the easterly property line of Consolidated Rail Corp.; thence along the proposed limitation of access line North 3 degrees 58 minutes 43 seconds East, 137.34 feet to a point; thence continuing along proposed limitation of access line North 0 degrees 38 minutes 50 seconds East, 200.06 feet to a point; thence continuing along proposed limitation of access line North 0 degree 46 minutes 46 seconds West, 250.00 feet to a point 686.80 feet left of centerline Station 39 plus 73.95, West Collector Rd., and 100.22 feet left of centerline Station 63 plus 50, Ellsworth Bailey Rd. and there terminate.

Exhibit "A"